

EXHIBIT 110

REDACTED

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Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, :
et al., :
Plaintiffs :
v. : No. 1:23-cv-00108
GOOGLE, LLC, :
Defendants. :

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Monday, August 21, 2023

Video Deposition of CHRISTOPHER KOEPKE,
taken at the Law Offices of Paul, Weiss,
Rifkind, Wharton & Garrison LLP, 2001 K St NW,
Washington, DC, beginning at 9:35 a.m. Eastern
Standard Time, before Ryan K. Black, Registered
Professional Reporter, Certified Livenote
Reporter and Notary Public in and for the
District of Columbia

Job No. CS6043164

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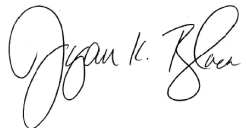
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 ANTITRUST DIVISION</p> <p>5 BY: KATHERINE CLEMONS, ESQ.</p> <p>6 VICTOR LIU, ESQ.</p> <p>7 ALVIN CHU, ESQ.</p> <p>8 MARK SOSNOWSKY, ESQ. - Via Zoom</p> <p>9 450 5th Street, N.W.</p> <p>10 Washington, DC 20530</p> <p>11 202.514.2414</p> <p>12 katherine.clemons@usdoj.gov</p> <p>13 victor.liu@usdoj.gov</p> <p>14 alvin.chu@usdoj.gov</p> <p>15 mark.sosnowsky@usdoj.gov</p> <p>16 Representing - The United States of America</p> <p>17</p> <p>18 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP,</p> <p>19 BY: MARTHA L. GOODMAN, ESQ.</p> <p>20 HEATHER C. MILLIGAN, ESQ.</p> <p>21 2001 K St NW,</p> <p>22 Washington, DC</p> <p>23 202.223.7341</p> <p>24 mgoodman@paulweiss.com</p> <p>25 hmilligan@paulweiss.com</p> <p>26 Representing - Google LLC</p> <p>27</p> <p>28 ALSO PRESENT:</p> <p>29 Orson Braithwaite - Legal Videographer</p> <p>30 Kenneth Whitley - Department of Health and Human</p> <p>31 Services</p>	<p>1 THE VIDEOGRAPHER: Good morning. We are</p> <p>2 going on the record at 9:35 a.m. on August 21st,</p> <p>3 2023. Please note that the microphones are</p> <p>4 sensitive and may pick up whispering and private</p> <p>5 conversations. Please mute your phones at this</p> <p>6 time. Audio and video recording will continue to</p> <p>7 take place unless all parties agree to go off the</p> <p>8 record.</p> <p>9 This is Media Unit 1 of the</p> <p>10 video-recorded deposition of Mr. Christopher</p> <p>11 Koepke in the matter of United States, et al.,</p> <p>12 versus Google, LLC, filed in the United States</p> <p>13 District Court Eastern District of Virginia</p> <p>14 Alexandria Division, Case Number</p> <p>15 1:23-cv-00108-LMB-JFA.</p> <p>16 My name is Orson Braithwaite,</p> <p>17 representing Veritext Legal Solutions, and I'm</p> <p>18 the videographer. The court reporter is Ryan</p> <p>19 Black, from the firm Veritext Legal Solutions.</p> <p>20 Counsel will now state their appearances</p> <p>21 and affiliations for the record.</p> <p>22 MS. GOODMAN: Martha Goodman, from Paul</p> <p>23 Weiss, on behalf of Google LLC.</p> <p>24 MS. MILLIGAN: Heather Milligan, also on</p> <p>25 behalf of Paul Weiss, for Google.</p>
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<p>1 INDEX</p> <p>2 TESTIMONY OF: CHRISTOPHER KOEPKE PAGE</p> <p>3 By Ms. Goodman.....6</p> <p>4 EXHIBITS</p> <p>5 EXHIBIT DESCRIPTION PAGE</p> <p>6 Exhibit 65 a document Bates Numbered</p> <p>7 CMS-ADS-11906 through 11974...117</p> <p>8 Exhibit 66 a document Bates Numbered</p> <p>9 CMS-ADS-23248 through 23337...136</p> <p>10 Exhibit 67 a document Bates Numbered</p> <p>11 CMS-ADS-59892 through 59893...151</p> <p>12 Exhibit 68 a document Bates Numbered</p> <p>13 CMS-ADS-593107 through 593110...167</p> <p>14 Exhibit 69 a document Bates Numbered</p> <p>15 CMS-ADS-183807 through 183811...181</p> <p>16 Exhibit 70 a document Bates Numbered</p> <p>17 CMS-ADS-529199 through 529200...190</p> <p>18 Exhibit 71 a document Bates Numbered</p> <p>19 CMS-ADS-189390.....251</p> <p>20 Exhibit 72 a document Bates Numbered</p> <p>21 CMS-ADS-64968 through 64971....258</p> <p>22 Exhibit 73 a document Bates Numbered</p> <p>23 CMS-ADS-440295.....265</p> <p>24 Exhibit 74 a document Bates Numbered</p> <p>25 CMS-ADS-531032 through 531072...268</p> <p>26 Exhibit 75 a document Bates Numbered</p> <p>27 CMS-ADS-569654 through 569667...273</p>	<p>1 MS. CLEMONS: Katherine Clemons, with</p> <p>2 the Department of Justice, on behalf of the</p> <p>3 United States of America, CMS and the witness.</p> <p>4 MR. LIU: Victor Liu, also with the</p> <p>5 Department of Justice, on behalf of the United</p> <p>6 States and CMS.</p> <p>7 MR. CHU: Alvin Chu, on behalf of United</p> <p>8 States.</p> <p>9 MR. WHITLEY: Kenneth Whitley, Office of</p> <p>10 General Counsel, Department of Health and Human</p> <p>11 Services.</p> <p>12 MS. GOODMAN: And could the folks</p> <p>13 attending remotely please state your presence?</p> <p>14 MR. SOSNOWSKY: Mark Sosnowsky,</p> <p>15 Department of Justice, and I will be in and out</p> <p>16 of this deposition remotely. So if you lose me,</p> <p>17 please don't -- you can continue.</p> <p>18 THE VIDEOGRAPHER: Thank you.</p> <p>19 Would the court reporter please swear in</p> <p>20 the witness?</p> <p>21 * * *</p> <p>22 Whereupon --</p> <p>23 CHRISTOPHER KOEPKE,</p> <p>24 called to testify, having been first duly sworn</p> <p>25 or affirmed, was examined and testified as</p>

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<p style="text-align: right;">Page 146</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 MS. CLEMONS: Objection; form. 5 Foundation. 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 MS. CLEMONS: Objection; form. 15 Foundation. 16 THE WITNESS: I would say -- I think the 17 simple answer is I don't know. 18 BY MS. GOODMAN: 19 Q. Okay. Can you turn to page ending in 20 261? Under OE10 Base Task 1, the last sentence 21 of the paragraph reads, "Performance channels 22 like display and social media will be optimized 23 in realtime to drive email signup and enrollment 24 conversions." Do you see that? 25 A. I do.</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay. And then in the middle of 2 paragraph it states, "We will continue to partner 3 with Google where we have continuously seen 4 efficient engagement and reach among individuals 5 who are in the market for health insurance." 6 What do you understand that sentence to mean in 7 your capacity as the director of the Strategic 8 Marketing Group? 9 MS. CLEMONS: Objection; foundation. 10 Form. 11 THE WITNESS: That CMS will work with 12 Weber Shandwick to purchase display services from 13 Google in the next Open Enrollment period. 14 BY MS. GOODMAN: 15 Q. And what connection, if any, does that 16 have to this efficient engagement that Weber 17 Shandwick has continuously seen with Google? 18 MS. CLEMONS: Objection; foundation. 19 THE WITNESS: In this case, we would 20 have to talk to the person who wrote the proposal 21 to get their full understanding of that. 22 BY MS. GOODMAN: 23 Q. In your experience, has CMS continuously 24 seen efficient engagement and reach using Google 25 products or services?</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. Okay. What do you understand that 2 sentence to mean? 3 MS. CLEMONS: Objection; foundation. 4 THE WITNESS: I didn't write the 5 sentence. But if I used the sentence, I would 6 mean it to mean, as we've already talked about 7 optimization, as you -- maybe we'll talk about it 8 again -- that channels like display, like display 9 and social media, so not only display and social 10 media, will be optimized in realtime to drive two 11 of our main goals, which is email signup or 12 enrollment conversions. 13 BY MS. GOODMAN: 14 Q. And is an example of realtime 15 optimization moving money between display and 16 social media channels? 17 MS. CLEMONS: Objection; form. 18 Foundation. 19 THE WITNESS: It could be. 20 BY MS. GOODMAN: 21 Q. Okay. Can you turn to Page 264? 22 Under the Channel and Placement Overview 23 section on this page, five paragraphs down begins 24 Display Media. Do you see where I am? 25 A. Yes.</p>	<p style="text-align: right;">Page 149</p> <p>1 MS. CLEMONS: Objection to form. 2 THE WITNESS: I would say we have seen 3 significant reach, and we -- I don't generally 4 use the term "efficient engagement," so I would 5 not say that. 6 BY MS. GOODMAN: 7 Q. What term would you use instead of 8 "efficient engagement"? 9 MS. CLEMONS: Objection to form. 10 Foundation. 11 THE WITNESS: I'd have to understand 12 what they mean by "efficient engagement" in order 13 to say what term I would use for that. 14 BY MS. GOODMAN: 15 Q. Okay. So do you have an un -- any 16 understanding of what "efficient engagement" 17 means in this sentence? 18 A. It would be purely conjectural on my 19 part. 20 Q. Okay. Can you turn to Page ending in 21 269? 22 A. Yes. 23 Q. In the paragraph under Driving Media 24 Value and Savings, the author states that "They 25 will work closely with Magna, the centralized</p>

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<p style="text-align: right;">Page 290</p> <p>1 deposition is over and that Google does not have</p> <p>2 grounds to hold the deposition open.</p> <p>3 MS. GOODMAN: Okay. Thank you for your</p> <p>4 time, Mr. Koepke.</p> <p>5 THE WITNESS: It was my pleasure. This</p> <p>6 was fun.</p> <p>7 THE VIDEOGRAPHER: Time is 6:23 p.m.</p> <p>8 We're off the record.</p> <p>9 (Deposition concluded -- 6:23 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 292</p> <p>1 Katherine Clemons Esq</p> <p>2 Katherine.clemons@usdoj.gov</p> <p>3 August 22nd, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 8/21/2023, Christopher Koepke (#6043164)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (erratas-cs@veritext.com).</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 291</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I do hereby certify that I am a Notary</p> <p>4 Public in good standing, that the aforesaid</p> <p>5 testimony was taken before me, pursuant to</p> <p>6 notice, at the time and place indicated; that</p> <p>7 said deponent was by me duly sworn to tell the</p> <p>8 truth, the whole truth, and nothing but the</p> <p>9 truth; that the testimony of said deponent was</p> <p>10 correctly recorded in machine shorthand by me and</p> <p>11 thereafter transcribed under my supervision with</p> <p>12 computer-aided transcription; that the deposition</p> <p>13 is a true and correct record of the testimony</p> <p>14 given by the witness; and that I am neither of</p> <p>15 counsel nor kin to any party in said action, nor</p> <p>16 interested in the outcome thereof.</p> <p>17</p> <p>18 WITNESS my hand and official seal this</p> <p>19 22nd day of</p> <p>20 </p> <p>21</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 293</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Christopher Koepke (#6043164)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Christopher Koepke Date _____</p> <p>25</p>

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